

**RZ07-011/CV07-012**

**347 Carpenter Drive**

***Second Church of Christ Scientist***

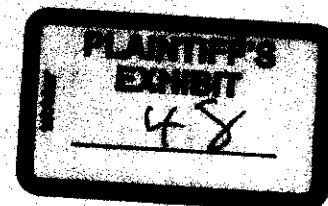
APPROVE

DE JULIO, JENKINS

PROVIDE  
STREETSCAPE  
ALONG CARPENTER

(5-1)  
FRIES

- MAYOR NOT VOTING





To: John McDonough, City Manager

From: Michael D. Zehner, Assistant Director of Planning and Zoning

Date: June 11, 2007 For Submission onto the onto the June 19, 2007 City Council meeting

Agenda Item: **RZ07-011/CV07-012** 347 Carpenter Drive, Request to rezone from C-1 (Community Business District) conditional to C-1 (Community Business District)

**CMO (City Manager's Office) Recommendation:**

**APPROVAL CONDITIONAL** of the request to rezone the property from C-1 (Community Business District) conditional to C-1 (Community Business District) to allow for a church in the existing 3,242 square foot building.

**Background:**

The site is located on the south side of Carpenter Drive at the intersection with Mountain Creek Road. The subject property is zoned C-1 (Community Business District) conditional under Fulton County zoning case Z88-0039, currently developed as a 3,242 square foot photography studio in a former single family residence. The site is located within the Urban District of the Sandy Springs Overlay District.

**Discussion:**

The site plan depicts a one-story, 3,242 square foot structure, which was formerly a single family residence and most recently used as a photography studio. The applicant proposes the photography studio to be converted to a church for a 21-member congregation. The site has an overall density of 7,418.76 square feet per acre. The applicant has indicated that the existing driveway and parking lot on the west side of the subject property will be maintained.

**Concurrent Review:**

The staff held a Focus Meeting on April 4, 2007 at which the following city departments provided comments:

- |                        |                           |
|------------------------|---------------------------|
| ▪ Building Division    | ▪ Fire Department         |
| ▪ Development Division | ▪ Transportation Division |

In addition, the following external departments were contacted for comment:

- |   |  |
|---|--|
| ▪ Atlanta Regional Commission                                       | ▪ City of Atlanta Department of Watershed Management     |
| ▪ Fulton County Board of Education                                  | ▪ U.S. Postal Service Address Management Systems         |
| ▪ Fulton County Department of Environment and Community Development | ▪ MARTA  |
| ▪ Fulton County Department of Public Works                          | ▪ Fulton County Emergency Management (comments received) |
| ▪ Fulton County Environmental Health Services                       |  |
| ▪ Sandy Springs Council of Neighborhoods                            |  |
| ▪ Sandy Springs Revitalization Inc.                                 |  |
| ▪ Georgia Department of Transportation                              |  |



## Rezoning Petition No. RZ07-011/CV07-012

### HEARING & MEETING DATES

Design Review Board Meeting	Community Zoning Information Meeting	Community Developer Resolution Meeting	Planning Commission Hearing	Mayor and City Council Hearing
March 27, 2007	March 27, 2007	April 24, 2007	May 24, 2007	June 19, 2007

### APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
Three Four Seven Carpenter Drive, LLC	Second Church of Christ Scientist	Nathan V. Hendricks, III

### PROPERTY INFORMATION

Address, Land Lot, and District	347 Carpenter Drive Land Lot 70, District 17
Council District	6
Frontage and Area	182.49 feet of frontage along the south side of Carpenter Drive and 99.97 feet of frontage along the west side of Mountain Creek Road. The subject property has a total area of 0.437 acres.
Existing Zoning and Use	C-1 (Community Business District) conditional under Z88-0039, currently developed with a 3,242 square foot photography studio.
Overlay District	Urban District
Interim 2025 Comprehensive Future Land Use Map Designation	Live-Work Neighborhood (LWN)
Proposed Zoning	C-1 (Community Business District)

### INTENT

#### FROM C-1 (COMMUNITY BUSINESS DISTRICT) CONDITIONAL TO C-1 (COMMUNITY BUSINESS DISTRICT)

The applicant is requesting to rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) to allow for a church in the existing 3,242 square foot building.

The applicant is also requesting three (3) concurrent variances as follows:

1. To change the required twenty-five (25) foot buffer and ten (10) foot improvement setback along the south property line adjacent to residentially zoned property to a ten (10) foot landscape strip (Section 4.23.1, *Minimum Landscape Strips and Buffers*).
2. To change the required fifty (50) foot buffer and ten (10) foot improvement setback along the west property line adjacent to residentially zoned property to a ten (10) foot landscape strip (Section 4.23.1, *Minimum Landscape Strips and Buffers*).
3. To delete the Sandy Springs Overlay District streetscape requirements along all property frontages (Section 12B.4, *Streetscape Standards*).

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**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

**RZ07-011 - APPROVAL CONDITIONAL**

**CV07-012 Variance #1 - APPROVAL**

**CV07-012 Variance #2 - APPROVAL**

**CV07-012 Variance #3 - APPROVAL**

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**DESIGN REVIEW BOARD RECOMMENDATION**

The application was heard at the March 27, 2007 Design Review Board meeting. The Board deferred the application (4-0, Lichtenstein, Alterman, Landeck, and Rizzo for; Gregory, Mobley, and Porter absent) and made the following comments regarding the request:

1. The Board would like to hear neighbor comments on the proposal.
2. The Board would also like clarification on the maximum occupancy for the building based on Fire Code.

The staff held the required Community Zoning Information Meeting on March 27, 2007. The residents of the surrounding neighborhood have not expressed any concerns with regard to the proposal.

The maximum occupancy as indicated by the Sandy Springs Fire Protection Engineer is 67 occupants.

The application was heard at the April 10, 2007 Design Review Board meeting. The Board recommended approval of the application (5-0, Lichtenstein, Landeck, Gregory, Mobley, and Porter for; Rizzo and Alterman absent).

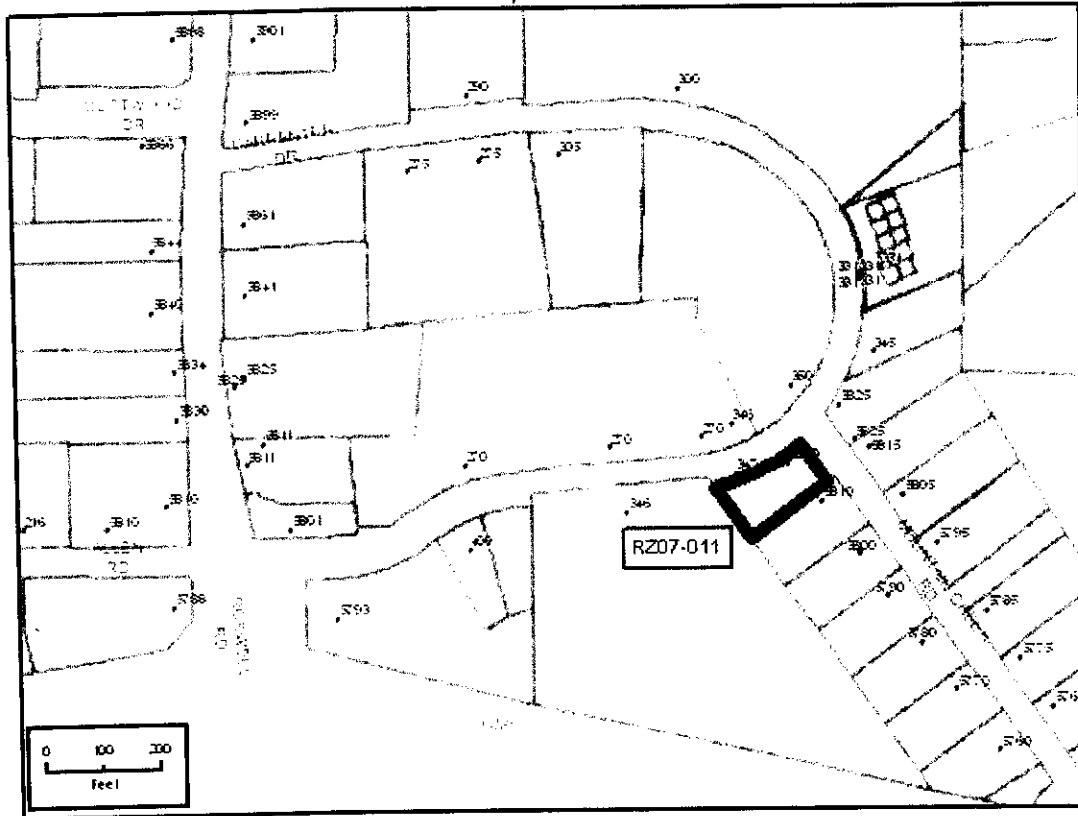
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**PLANNING COMMISSION RECOMMENDATION**

The petition was heard at the May 24, 2007 Planning Commission hearing. The Commission recommended approval of the petition subject to staff conditions, including approval of concurrent variances #1 (buffer) and #2 (buffer), but denial of concurrent variance #3 (streetscape) (6-0, Rupnow, Wiley, Boyken, Duncan, Maziar, and Rubenstein for). The Commission found that the applicant/owner should be required to install the required streetscape, including sidewalks, along the property frontages due to the following:

1. There are existing sidewalks along Carpenter Drive and there are other projects along Carpenter Drive that have been required to install the streetscape improvements at the time of their redevelopment in the near future. Relieving the subject property from the installation of the standard streetscape is not consistent with the intent of the Zoning Ordinance.

**Location Map**  
**347 Carpenter Drive**



**BACKGROUND**

The site is located on the south side of Carpenter Drive at the intersection with Mountain Creek Road. The subject property is zoned C-1 (Community Business District) conditional under Fulton County zoning case Z88-0039, currently developed as a 3,242 square foot photography studio in a former single family residence. The site is located within the Urban District of the Sandy Springs Overlay District.

**EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY**

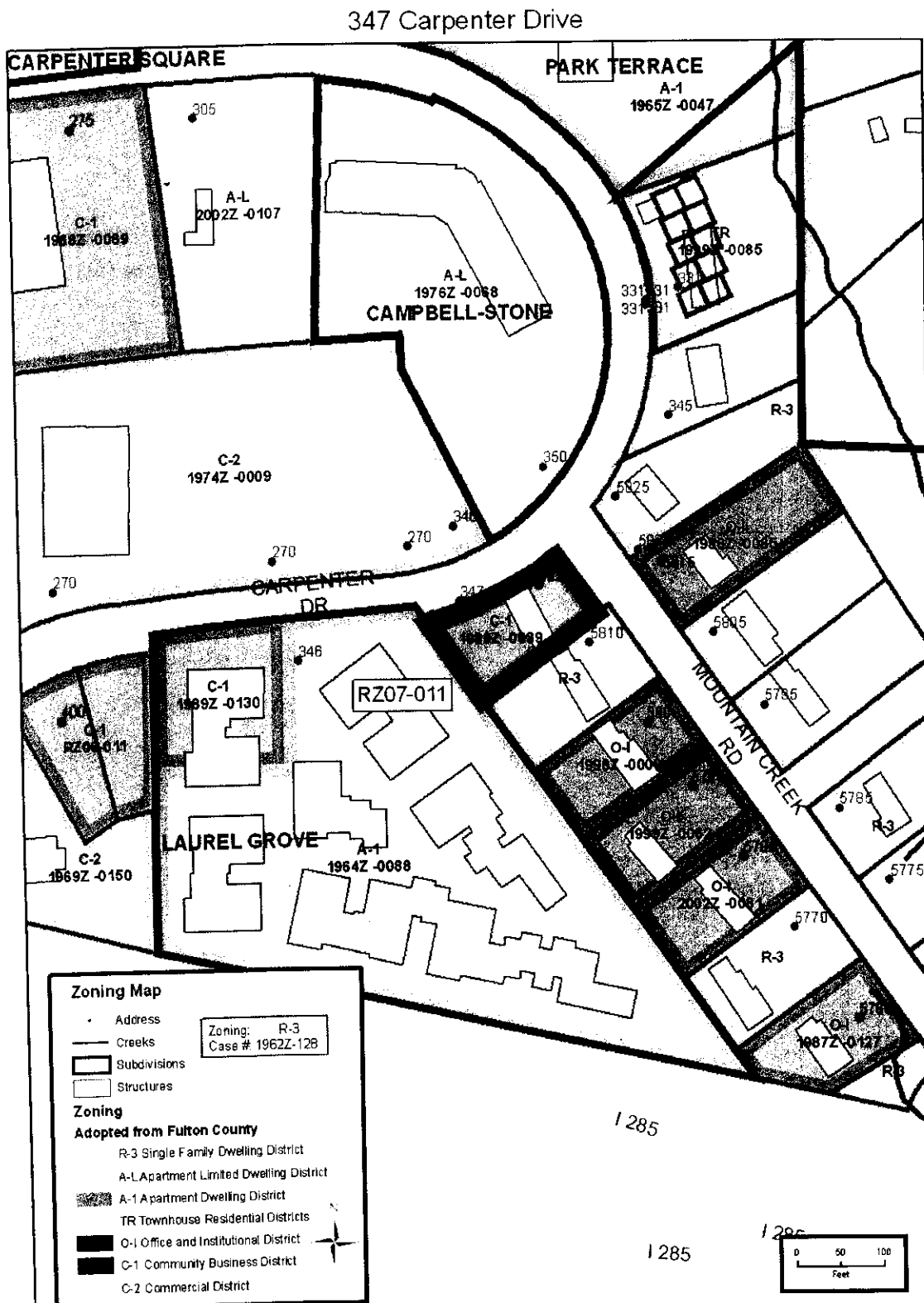
<b>SUBJECT PETITION RZ07-011 CV07-012</b>	<b>Requested Zoning</b>	<b>Proposed Use</b>	<b>Land Area (Acres)</b>	<b>Square Footage</b>	<b>Density (Square Feet per Acre)</b>
	C-1	Church	0.437	3,242	7,418.76

<b>Location in relation to subject property</b>	<b>Zoning</b>	<b>Use</b>	<b>Land Area (Acres)</b>	<b>Square Footage or Number of Units</b>	<b>Density (Square Feet or Units Per Acre)</b>
North	A-L conditional, Z76-0068	Campbell Stone condominium - 350 Carpenter Drive	2.742	200 units	72.9 units per acre
North	C-2 conditional, Z74-0009	Alterna Health Solutions - 270 Carpenter Drive	3.748	87,000 square feet	23,212.38 square feet per acre
South	R-3	5810 Mountain Creek Road - single family residence	0.41	1 unit	2.44 units per acre
South	O-I conditional, Z98-0009	Province Valuation Group - 5800 Mountain Creek Road	0.41	2,600 square feet	6,341.46 square feet per acre
South	O-I conditional, Z99-0062	Everything Wedding - 5790 Mountain Creek Road	0.41	1,800 square feet	4,390.24 square feet per acre
South	O-I conditional, Z02-0081	Holistic Institute of Healing Medicine - 5780 Mountain Creek Road	0.41	1,700 square feet	4,146.34 square feet per acre
South	R-3	5770 Mountain Creek Road - single family residence	0.41	1 unit	2.44 units per acre
South	O-I conditional, Z87-0127	5760 Mountain Creek Road - office	0.41	2,000 square feet	4,878.05 square feet per acre
East	R-3	5825 Mountain Creek Road - single family residence	0.49	1 unit	2.04 units per acre
East	O-I conditional, Z88-0085	Seagil Software Company - 5815 Mountain Creek Road	0.51	1,800 square feet	3,529.41 square feet per acre

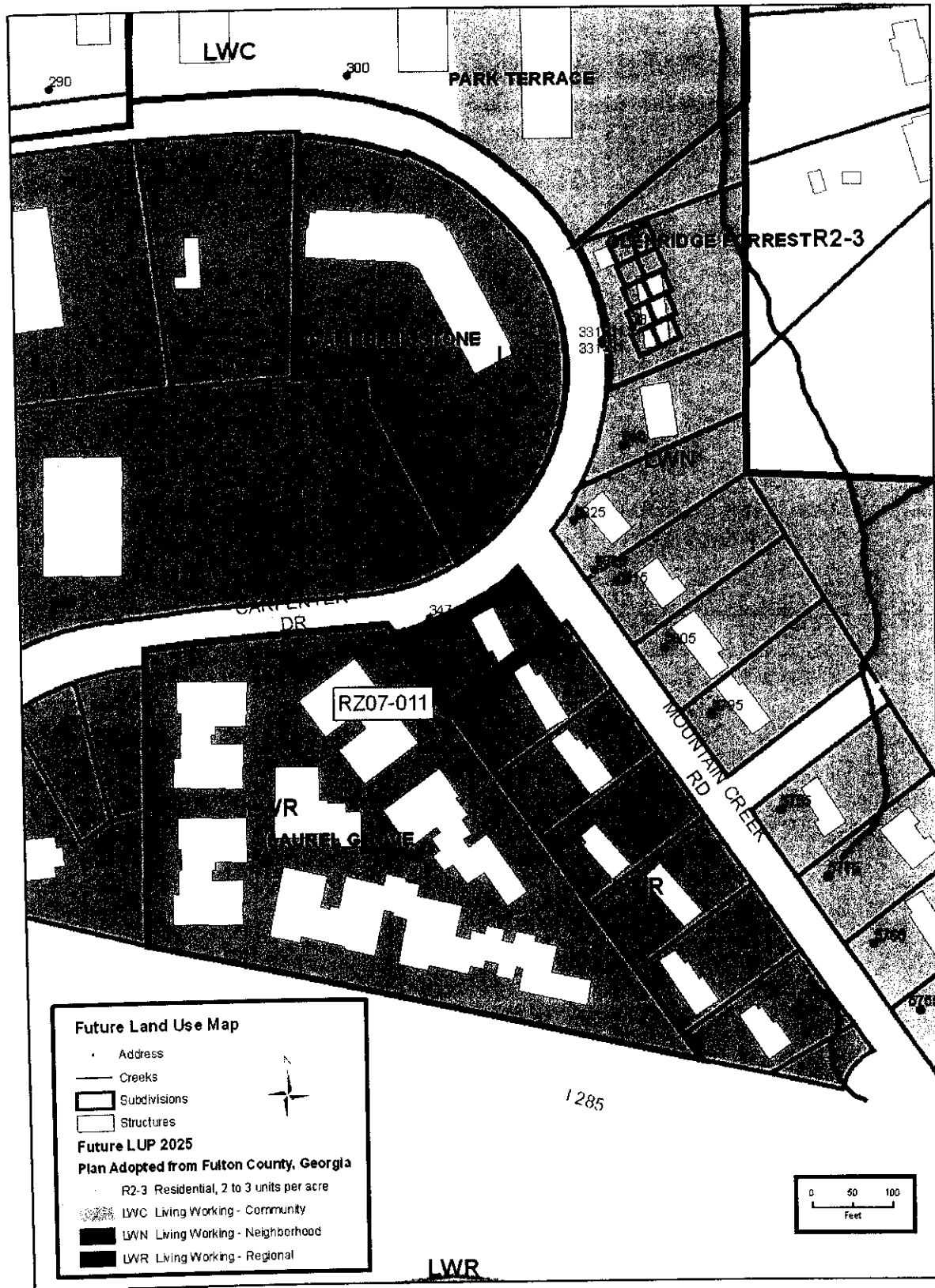
West	A-1 conditional, Z64-0088	Laurel Grove condominium - 346 Carpenter Drive	4.39	100 units	22.78 units per acre
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### Zoning Map

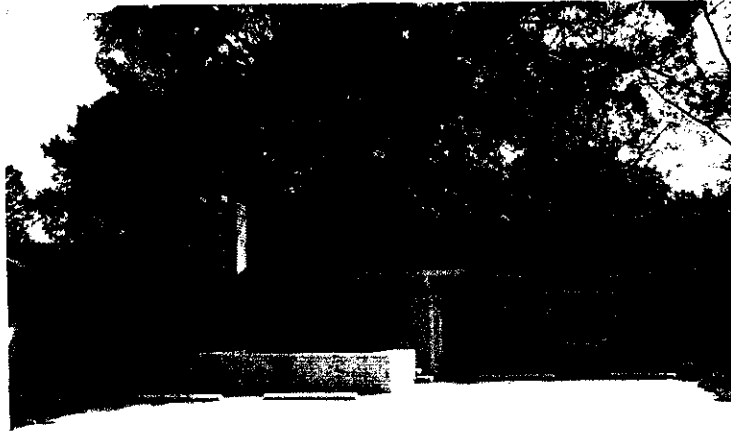


# Future Land Use Map

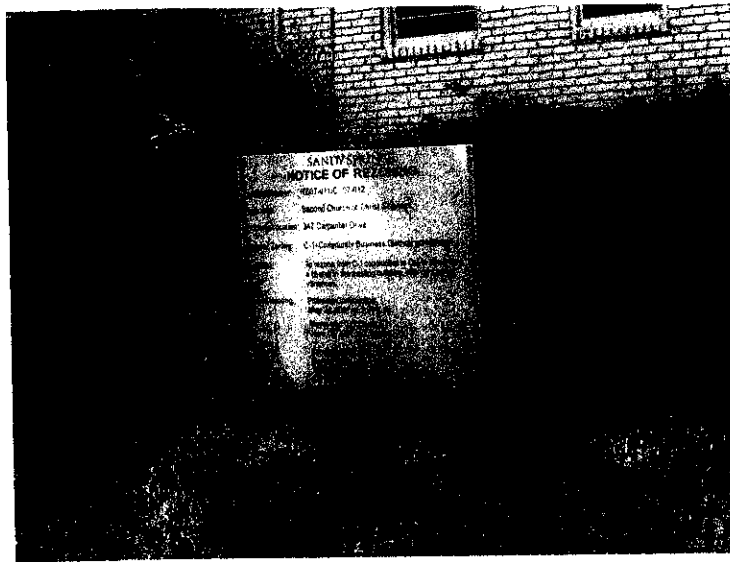
347 Carpenter Drive







Photograph 1. 347 Carpenter Drive (subject property).



Photograph 2. Notice of Rezoning Sign.



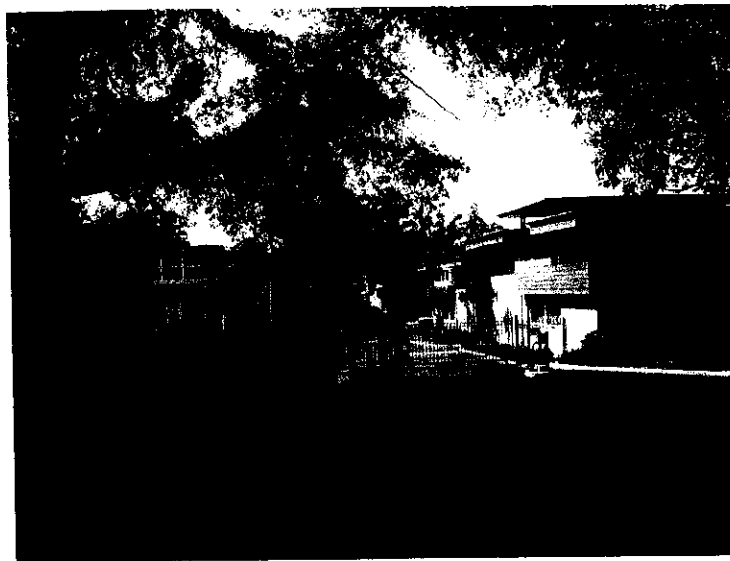
Photograph 3. Campbell Stone condominium - 350 Carpenter Drive (north of subject property).



Photograph 4. 5810 Mountain Creek Road (south of subject property).



Photograph 5. 5825 Mountain Creek Road (east of subject property).



Photograph 6. Laurel Grove condominium - 346 Carpenter Drive (west of subject property).

## SITE PLAN ANALYSIS

The site plan depicts a one-story, 3,242 square foot structure, which was formerly a single family residence and most recently used as a photography studio. The applicant proposes the photography studio to be converted to a church for a 21-member congregation. The site has an overall density of 7,418.76 square feet per acre. The applicant has indicated that the existing driveway and parking lot on the west side of the subject property will be maintained.

## PARKING AND TRAFFIC IMPACT ANALYSIS

The applicant indicates the site to be accessed by one curb cut along Carpenter Drive. The applicant is proposing the site to be served by a total of 16 parking spaces. Section 18.2.1, *Basic Off-Street Parking Requirements*, requires 1 parking space per every 3.5 fixed seats. At a minimum the site is required to have a total of 12 parking spaces to accommodate the proposed use 42-seat church.

## LANDSCAPE PLAN ANALYSIS

The applicant has not provided streetscape consistent with Section 12B.4, *Streetscape Standards*, which includes street trees, sidewalks, and pedestrian lighting along all property frontages. Additionally, the applicant has not provided the required buffers and improvement setbacks along the south and west property lines adjacent to residentially zoned property. The applicant has requested variances from these requirements.

In lieu of the required streetscape and buffers, the applicant proposes to provide for a ten (10) landscape strip around the entire perimeter of the subject property.

## CONCURRENT VARIANCES

The applicant is requesting three (3) concurrent variances as follows:

1. To change the required twenty-five (25) foot buffer and ten (10) foot improvement setback along the south property line adjacent to residentially zoned property to a ten (10) foot landscape strip (Section 4.23.1, *Minimum Landscape Strips and Buffers*).

The applicant has indicated that this variance request is necessary due to the small shape and sloping topography of the subject property.

The staff is of the opinion that due to the fact that there is no site work proposed for the property and due to the shape, size, and topography of the property, the variance request is justified. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.

2. To change the required fifty (50) foot buffer and ten (10) foot improvement setback along the west property line adjacent to residentially zoned property to a ten (10) foot landscape strip (Section 4.23.1, *Minimum Landscape Strips and Buffers*).

The applicant has indicated that this variance request is necessary due to the small shape and sloping topography of the subject property.

The staff is of the opinion that due to the fact that there is no site work proposed for the property and due to the shape, size, and topography of the property, the variance request is justified. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.

3. To delete the Sandy Springs Overlay District streetscape requirements along all property frontages (Section 12B.4, *Streetscape Standards*).

The applicant has indicated that this variance request is necessary due to the small shape and sloping topography of the subject property.

The staff is of the opinion that due to the fact that there is not site work proposed for the property and due to the shape, size, and topography of the property, the variance request is justified. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.

#### **ENVIRONMENTAL SITE ANALYSIS**

The Environmental Site Analysis Report is sufficient and satisfies the requirements of the Sandy Springs Zoning Ordinance. The site does not contain any known wetlands, streams, steep slopes, sensitive plants and/or protected animal species, or archaeological/historical sites. The site is not located within any floodplains.

**DEPARTMENT COMMENTS**

The staff held a Focus Meeting on April 4, 2007 at which the following departmental comments were provided:

<b>BUILDING AND DEVELOPMENT DIVISION</b>	Sandy Springs Engineering Plan Reviewer	<ul style="list-style-type: none"> <li>There are no development requirements that need to be addressed at this time.</li> </ul>
	Sandy Springs Building Plan Reviewer	<ul style="list-style-type: none"> <li>The church is a commercial structure and must meet all code requirements for the new occupancy classification and occupant load, in accordance with the 2006 International Codes with 2007 Georgia State Amendments and the 2005 NEC with 2006 Georgia State Amendments. There must be a code analysis by a design professional verifying that the building(s) will meet the distance from property line separation requirements for exiting, allowable openings and wall ratings. Compliance with allowable area for the type of construction and occupancy must be verified by the design professional. Design documents for the church must meet the minimum requirements noted in the Sandy Springs Commercial Building Permit Checklist.</li> </ul>
	Sandy Springs Landscape Architect/ Arborist	<ul style="list-style-type: none"> <li>There is one large tree near the house that would not be considered a specimen tree and is showing signs of stress.</li> </ul>
<b>FIRE DEPT.</b>	Sandy Springs Fire Protection Engineer	<ul style="list-style-type: none"> <li>There are no fire requirements that need to be addressed at this time.</li> </ul>
<b>TRANSPORTATION</b>	Sandy Springs Department of Transportation, Planning Engineer	<ul style="list-style-type: none"> <li>Right-of-way dedication: 25' from centerline of Carpenter Drive; 25' from centerline of Mountain Creek Road</li> <li>Public Works opposes concurrent variances 4 and 5 to waive sidewalk construction as being against the best interest of the health, safety, and welfare of the citizens of Sandy Springs.</li> </ul>
	Georgia Department of Transportation	<ul style="list-style-type: none"> <li>There are no GDOT requirements that need to be addressed at this time.</li> </ul>

The staff has not received any additional comments from the Fulton County Board of Education. The staff has received additional comments from the Fulton County Emergency Services Department.

**PUBLIC INVOLVEMENT**Required Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held March 27, 2007 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held April 24, 2007 at the Sandy Springs City Hall

Public Comments

Residents of the surrounding neighborhood have concerns with regard to the following issues:

- Ability of the church to provide sufficient parking for its congregants
- Ability of the church to accommodate the congregation should it grow

Notice Requirements

The petition was advertised in the Daily Report on May 17, 2007 and May 31, 2007. The applicant posted a sign issued by the Department of Community Development along the frontages of Carpenter Drive and Mountain Creek Road on April 6, 2007.

Public Participation Plan and Report

The applicant has met the Public Participation Plan requirements. The applicant will be required to submit the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on June 19, 2007. The Public Participation Report must be submitted on or before June 12, 2007.

**ZONING IMPACT ANALYSIS**

Per Article 28.4.1, *Zoning Impact Analysis by the Planning Commission and the Department*, the staff shall make a written record of its investigation and recommendation on each rezoning petition with respect to the following factors:

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A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*

Finding: The staff is of the opinion that the proposed use is suitable in view of the existing density and character of the surrounding neighborhood.

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B. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*

Finding: The staff is of the opinion that the proposal will not adversely affect the existing use and usability of adjacent residential property.

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C. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.*

Finding: The staff is of the opinion that the property does not have a reasonable economic use as currently zoned, due to the restriction of the use of the property to a photography studio only.

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D. *Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools.*

Finding: The staff does not anticipate a significant impact on public services and facilities. However, some impact on the surrounding transportation system is expected.

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*E. Whether the zoning proposal is in conformity with the policies and intent of the land use plan.*

Finding: The staff is of the opinion that the proposal is consistent with the Future Land Use Map, which designates the property as Live-Work Neighborhood (LWN). The LWN land use designation recommends a density of 10,000 square feet per acre for commercial and office uses plus 5 residential units per acre. The site is developed at a density of 7,418.76 square feet per acre and the applicant does not intend to add any additional density. Additionally, the proposal is consistent with the Comprehensive Plan Policy supporting mixed use activity centers of varying intensities. The subject property is located in an area where there are a mix of single and multifamily residential uses and office uses in former residences.

*F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*

Finding: The staff is of the opinion that there are no existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or denial of the applicant's overall proposal.

*G. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs.*

Finding: The staff is of the opinion that the zoning proposal will not permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs.

### CONCLUSION TO FINDINGS

It is the opinion of the staff that the petition to rezone the subject property from C-1 (Community Business District) conditional to **C-1 (Community Business District)** is in conformity with the Comprehensive Plan Policies and Future Land Use Map as the proposal meets the recommended densities and conforms to the character of the existing neighborhood. The staff is also of the opinion that the requested variances to delete the required streetscape and to change the required buffers to ten (10) foot landscape strips are justified. Therefore, based on these reasons, the staff recommends **APPROVAL CONDITIONAL** of the petition for rezoning and the concurrent variances requested.



**STAFF RECOMMENDED CONDITIONS**

The staff recommends **APPROVAL CONDITIONAL** of the rezoning from C-1 (Community Business District) conditional to C-1 (**Community Business District**) and the associated concurrent variances subject to the following conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:

- a. Commercial and associated accessory uses in the existing structure at a density of 7,418.76 square feet per acre or 3,242 square feet, whichever is less. The following uses permitted under the C-1 (Commercial District) zoning classification are prohibited: Amusements, Indoor; Apartments, Above or Behind Commercial and Office uses in the Same Building; Automotive Parking Lots; Automotive Specialty Shops; Catering, Carry-out and Delivery; Clinics; Convalescent Center/Nursing/Hospice; Day Care Facilities; Delicatessens; Financial Establishments; Garage, Automobile Repair except painting, body repair and overhaul of major components; Group Residences; Gymnasiums; Hotels; Health Club/Spa; Laundromats; Landscaping Business, Garden Center ; Millinery or Similar Trade whenever products are sold retail, exclusively on the site where produced; Motels; Parking Garages\Decks; Parking Lots; Personal Care Homes; Plant Nurseries; Printing Shops, Convenience; Repair Shops not involving any manufacturing on the site; Research Laboratories; Restaurants; Retail Stores or Shops; School of Business, Dance, Music or similar schools; Service Stations except that repair and service offerings shall not include painting, body repair nor overhaul of major components, and no portion of the site shall be used for the display of cars for sale; Stadiums; Theaters; Recycling Centers, Collecting.

2. To the owner's agreement to abide by the following:

- a. To the site plan received by the Department of Community Development dated March 27, 2007. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

3. To the owner's agreement to provide the following site development standards:

- a. The owner/developer shall dedicate twenty-five (25) feet of right-of-way from centerline of Carpenter Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
- b. The owner/developer shall dedicate twenty-five (25) feet of right-of-way from centerline of Mountain Creek Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
- c. To change the required twenty-five (25) foot buffer and ten (10) foot improvement setback along the south property line adjacent to residentially zoned property to a ten (10) foot landscape strip (CV07-012).
- d. To change the required fifty (50) foot buffer and ten (10) foot improvement setback along the west property line adjacent to residentially zoned property to a ten (10) foot landscape strip

Prepared by the City of Sandy Springs Department of Community Development for the Planning Commission Hearing on June 19, 2007

- e. To delete the Sandy Springs Overlay District streetscape requirements along all property frontages (CV07-012).

#### **Attachments**

Letter of Intent dated received March 9, 2007

Applicant Zoning Impact Analysis dated received March 9, 2007

Site Plan dated received March 27, 2007

Comment Letter from the Fulton County Emergency Services Department dated received March 29, 2007

Letters of Support from Sandy Springs Citizens

## LETTER OF INTENT

The property contains approximately 0.437 acres and is located at the southwest corner of the intersection of Carpenter Drive and Mountain Creek Road (the "Property"). The Property is presently zoned to the C-1 Classification for the limited use as a photography studio.

The Applicant requests a rezoning to the C-1 Classification for the use and development of the Property for a church in the existing structure which contains a total of 3,242 square feet which results in a density of 7,418.76 square feet per acre. The Church has a Congregation consisting of 21 members. Worship services are planned for Sundays from 10:30 a.m. to 11:30 a.m. and on Wednesday evenings from 7:30 p.m. to 8:30 p.m. A Reading Room will be located in the building which will recieve nominal use on Mondays through Saturdays from 11:00 a.m. to 3:00 p.m. The building is planned to contain a total of 30 seats for worship services. Past history of the operation of the Church in a previous location in Buckhead averaged approximatel 20 persons attending worship services on Sundays and 10 persons attending worship services on Wednesdays. Given the small size of the Property, its narrow and confining shape and the constraints of topography in sloping from the west and south to the north, the Applicant requests a three part Concurrent Variance consisting of the following: (1) reduce the 25' buffer and 10' improvement setback along the south Property line to a 10' landscape strip, reduce the 25' buffer and 10' improvement setback along the north Property line to a 10' landscape strip and reduce the 50' buffer and 10' improvement setback along the west Property line to a 10' landscape strip pursuant to Article 4.23.1., (2) reduce the 25' setback along the south Property line to 10' and reduce the 25' setback along the north Property line to 18' pursuant to Article 9.1.3.C. and (3) delete the Streetscape Standards along Carpenter Drive and Mountain Creek Road pursuant to Article 12B.4. The referenced hardships are particular to the Property and the application of the provisions of the Zoning Ordinance referenced, due to the extraordinary and exceptional conditions pertaining to the Propertyt would create an unnecessary hardship for the Applicant while causing no detribemt to the public. The approval of these Concurrent Variances would be in harmony with the general purpose of the Zoning Ordinance. The Comprehensive Land Use Plan Map suggests live/word regional for the Property and accordingly this request for use as a church is entirely appropriate and the appropriateness of this Petition for Rezoning and Concurrent Variances and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "A" attached hereto and incorporate herein by reference.

Now, therefore, the Applicant requests that this Petition for Rezoning and Concurrent Variances be approved as submitted in order that the Applicant be able to proceed with the lawful use of the Property.

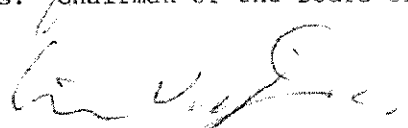
APPLICANT:

Second Church of Christ, Scientist, Atlanta

By: 

Jules Lent

Its: Chairman of the Board of Directors

  
Nathan V. Hendricks III

Attorney for the Applicant

6085 Lake Forrest Drive  
Suite 200  
Atlanta, Georgia 30328  
(404) 255-5161

## Exhibit "A"

APPROPRIATENESS OF APPLICATION  
AND  
CONSTITUTIONAL ASSERTIONS

The portions of the Zoning Resolution of the City of Sandy Springs as applied to the subject Property which classify or may classify the Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Resolution of the City of Sandy Springs to the Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Sandy Springs City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Sandy Springs City Council to rezone the Property as proposed by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the subject Property would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Any rezoning of the Property without the simultaneous approval of the Concurrent Variances requested would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

RECEIVED

IMPACT ANALYSIS  
FORM B

MAR 09 2007

Applicant: Second Church of Christ, Scientist, Atlanta

City of Sandy Springs  
Community Development

Analyze the impact of the proposed rezoning and answer the following questions:

1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property? No. Given the use and development of adjacent and nearby property and the fact that the Applicant will be using the existing building without expansion, this zoning proposal will permit a use that is suitable.
2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? No. This zoning Proposal will not adversely effect the existing use or usability of adjacent or nearby property due to its limited hours of operation and the small number of members of the Congregation.
3. Does the property to be rezoned have a reasonable economic use as currently zoned? No. The property as presently zoned is extremely limited as to use and therefore does not have a reasonable economic use as currently zoned.
4. Will the zoning proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? No. The zoning proposal would not result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
5. Is the zoning proposal in conformity with the policies and intent of the land use plan? Yes. Given the Comprehensive Plan Land Use Map suggestion of live/work regional for the Property, this proposed use for a church conforms with the policies and intent of the land use plan.
6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal? Yes. The suggestion of the Comprehensive Plan Land Use Map for live/work regional uses for the Property indicates the desire for changing conditions for the Property and other properties in the immediate area thus giving support for the approval of this rezoning request.
7. Does the zoning proposal permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of the City of Sandy Springs? No. This zoning proposal would not permit a use that could be considered environmentally adverse to the natural resources, environment and citizens of the City of Sandy Springs.

Attach additional sheets as needed.

[illegible]

## Emergency Services Department

130 Peachtree St., S.W.

Suite 3147

Atlanta, GA 30303

Alfred R. Moore  
Director

Emergency Communications/911

Telephone: 404/730-7900

FAX: 404/730-7909

Atlanta-Fulton County

Emergency Management Agency

Telephone: 404/730/5600

March 26, 2007

Mr. Michael D. Zehner, Assistant Director  
Planning and Zoning  
City of Sandy Springs  
Department of Community Development  
Planning and Zoning Division  
7840 Roswell Road, Building 500  
Sandy Springs, Georgia 30350

**RECEIVED**

Re: Memorandum dated March 22, 2007  
Preliminary Zoning Agenda

City of Sandy Springs  
Community Development


Dear Mr. Zehner:

A review conducted by the Emergency Services Department staff revealed the following:

1. If zoning petitions are approved, there will be an increase in E9-1-1 call volume. The increase may negatively affect the department's call answering speed and service level.
2. Increased traffic volume without road improvements may increase response time of emergency response vehicles thereby reducing effective delivery of emergency services.
3. Addressing of all proposed properties identified within the petitions should comply with the City of Sandy Springs' addressing standards or Fulton County's Addressing Standards to reduce the likelihood of delay in response time.

If I can assist you further in this matter, please contact me at 404-730-7900.

Sincerely,

  
Alfred R. Moore  
Director





## Department of Transportation

State of Georgia

#2 Capitol Square, S.W.

Atlanta, Georgia 30334-1002

HAROLD E. LINNENKOHL  
COMMISSIONER  
(404) 656-5206

DAVID E. STUSDILL, JR., P.E.  
CHIEF ENGINEER  
(404) 656-5277

LARRY E. DENT  
DEPUTY COMMISSIONER  
(404) 656-5206

EARL L. MAHFUZ  
TREASURER  
(404) 656-5224

April 26, 2007

Mr. Michael D. Zehner  
Assistant Director of Zoning and Ordinance  
City of Sandy Springs  
Department of Community Development  
Planning and Zoning Division  
7840 Roswell Road, Building 500  
Sandy Springs, Georgia 30350

RECEIVED

City of Sandy Springs  
Community Development

RE: May 24 & June 19, 07 Zoning Review Board Meeting

Dear Mr. Zehner

The Office of Urban Design, Georgia Department of Transportation (GDOT) has reviewed the preliminary zoning agenda received by us on March 26 2007. The information in this letter is provided as a tool to assist the City in the zoning review process. The information below is not intended to express approval, rejection, or any other opinion of the applicant's request.

We offer the following comments on the cases to be heard at this meeting.

**RZ07-009/ CV07-011 District 7 SIGN UPGRADES ON SEV SR@SR LOCATIONS IN DISTRICT (P.L. 0007998)**  
**CSSFT-0007-00(998)**

This project consists of Sign Upgrades in several locations including Clayton, Cobb, Douglas and Fulton County. If you have any questions about this project please contact *Jim Tolson Traffic Design Engineer at (404) 635 8139*

**There are no GDOT projects at locations for the following petitions:**

RZ07-010/CV07-010

RZ07-011/CV07-012

We appreciate the opportunity to review the agenda.

Sincerely,

  
James B. Buchan, P.E.  
State Urban Design Engineer

JBB:AVS *MS*

LAW OFFICE  
NATHAN V. HENDRICKS III  
6085 LAKE FORREST DRIVE, SUITE 200  
ATLANTA, GEORGIA 30328

May 22, 2007

OFFICE (404) 255-5161  
TELECOPIER (404) 255-3899

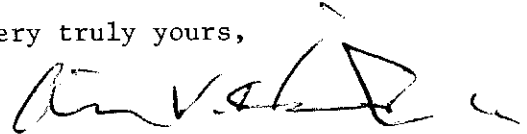
Ms. Nancy J. Leathers, AICP  
Director of Community Development  
7840 Roswell Road, Building 500  
Sandy Springs, Georgia 30350

Re: RZ07-009/CV07-011

Dear Nancy:

In regard to the above referenced Petition for Rezoning and Concurrent Variances, attached you will find five (5) letters and one (1) e-mail from residents as well as the Board of Laurel Grove confirming that they have met with the Applicant, reviewed the Site Plan and understand the Applicant's intended use of the Property as a church for a small congregation and that they do not have any objection to the Applicant's plans and intended use. I would appreciate you providing copies of the attached to the Planning Commission Members for their May 24, 2007 Planning Commission Hearing as well as to the members of City Council for their June 19, 2007 City Council Meeting. Please call me if you have any questions. Thank you.

Very truly yours,



Nathan V. Hendricks III  
Attorney for the Applicant

NVH:sks  
w/attachments

RECEIVED

MAY 22 2007

City of Sandy Springs  
Community Development



Sandy Springs City Council  
7840 Roswell Road, Bldg. 500  
Sandy Springs, GA 30350

Re: Zoning Case No. RZ07-009/CV07-011

Dear Council Members:

I am a resident in close proximity to the Property which is the subject of the above-reference rezoning request. A have met with the Applicant, reviewed the site plan, and understand the Applicant's use of the Property as a church for a small congregation.

I do not have any objection to the Applicant's plans and intended use.

Very truly yours,

Name:

Bill Gyer

Address:

5795 MOUNTAIN  
CREEK RD

Date:

4-11-07

Sandy Springs City Council  
7840 Roswell Road, Bldg. 500  
Sandy Springs, GA 30350

Re: Zoning Case No. RZ07-009/CV07-011

Dear Council Members:

I am a resident in close proximity to the Property which is the subject of the above-reference rezoning request. I have met with the Applicant, ~~reviewed the site plan,~~ and understand the Applicant's use of the Property as a church for a small congregation.

I do not have any objection to the Applicant's plans and intended use.

Very truly yours,

Name: James McNamee

Address: 5790 Mountain Creek Road

Atlanta GA 30328

Date: 4/4/07

Sandy Springs City Council  
7840 Roswell Road, Bldg. 500  
Sandy Springs, GA 30350

Re: Zoning Case No. RZ07-009/CV07-011

Dear Council Members:

I am a resident in close proximity to the Property which is the subject of the above-reference rezoning request. A have met with the Applicant, reviewed the site plan, and understand the Applicant's use of the Property as a church for a small congregation.

I do not have any objection to the Applicant's plans and intended use.

Very truly yours,

Name:

Anitra Stallings

Address:

5815 Mountain Creek Rd  
Atlanta, GA

Date:

4-4-07

SE ND CHURCH OF CHRIST, SCI TIST

3372 Peachtree Road N.E.  
Atlanta, GA 30326

Sandy Springs City Council  
7840 Roswell Road, Bldg. 500  
Sandy Springs, GA 30350

Re: Zoning Case No. RZ07-009/CV07-011

Dear Council Members:

I am a resident in close proximity to the Property which is the subject of the above-reference rezoning request. A have met with the Applicant, reviewed the site plan, and understand the Applicant's use of the Property as a church for a small congregation.

I do not have any objection to the Applicant's plans and intended use.

Very truly yours,

Name: CLIFF PETER - EXECUTIVE DIRECTOR CAMPBELL-STONE

Address: 350 CARPENTER DR.

ATLANTA, GA 30328

Date: 05/21/07

A handwritten signature in black ink, appearing to read "Cliff Peter", followed by a horizontal line.



June 21, 2007

Nathan V. Hendricks, III  
6800 Lake Forrest Drive  
Suite 200  
Sandy Springs, Georgia 30328

Subject: **Approval of Rezoning** – RZ07-011/CV07-012 347 Carpenter Drive

Dear Mr. Hendricks:

Please be advised, the City of Sandy Springs Mayor and City Council approved the rezoning of property owned by Three Four Seven Carpenter Drive, LLC located at 347 Carpenter Drive. Rezoning petition RZ07-011/CV07-012 to rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) was approved by the Mayor and City Council at the June 19, 2007 hearing, subject to the following conditions:

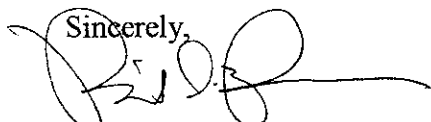
1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Commercial and associated accessory uses in the existing structure at a density of 7,418.76 square feet per acre or 3,242 square feet, whichever is less. The following uses permitted under the C-1 (Commercial District) zoning classification are prohibited: Amusements, Indoor; Apartments, Above or Behind Commercial and Office uses in the Same Building; Automotive Parking Lots; Automotive Specialty Shops; Catering, Carry-out and Delivery; Clinics; Convalescent Center/Nursing/Hospice; Day Care Facilities; Delicatessens; Financial Establishments; Garage, Automobile Repair except painting, body repair and overhaul of major components; Group Residences; Gymnasiums; Hotels; Health Club/Spa; Laundromats; Landscaping Business, Garden Center ; Millinery or Similar Trade whenever products are sold retail, exclusively on the site where produced; Motels; Parking Garages/Decks; Parking Lots; Personal Care Homes; Plant Nurseries; Printing Shops, Convenience; Repair Shops not involving any manufacturing on the site; Research Laboratories; Restaurants; Retail Stores or Shops; School of Business, Dance, Music or similar schools; Service Stations except that repair and service offerings shall not include painting, body repair nor overhaul of major components, and no portion of the site shall be used for the display of cars for sale; Stadiums; Theaters; Recycling Centers, Collecting.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development dated March 27, 2007. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.



3. To the owner's agreement to provide the following site development standards:
- The owner/developer shall dedicate twenty-five (25) feet of right-of-way from centerline of Carpenter Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
  - The owner/developer shall dedicate twenty-five (25) feet of right-of-way from centerline of Mountain Creek Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
  - To change the required twenty-five (25) foot buffer and ten (10) foot improvement setback along the south property line adjacent to residentially zoned property to a ten (10) foot landscape strip (CV07-012).
  - To change the required fifty (50) foot buffer and ten (10) foot improvement setback along the west property line adjacent to residentially zoned property to a ten (10) foot landscape strip (CV07-012).
  - To delete the Sandy Springs Overlay District streetscape requirements along the Mountain Creek Road frontage of the subject property (CV07-012).

If it is necessary to submit plans for any permits associated with this property, please submit a copy of this letter as an attachment. Should you have any questions or need any additional information regarding this project, please do not hesitate to contact me at (770) 730-5600.

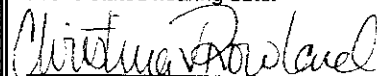
Sincerely,



Michael Zehner  
Assistant Director of Planning and Zoning

Certification of Approval

I hereby certify that the subject case was approved by the Mayor and City Council of the City of Sandy Springs with the associated conditions on the above stated hearing date.

  
Christina Rowland, CMC  
City Clerk

  
Date